



**THE ATTORNEY GENERAL
OF TEXAS**

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

AUSTIN, TEXAS 78711

January 26, 1972

Hon. Carl C. Hardin, Jr.
Executive Secretary
Texas State Board of Dental
Examiners
310 Capitol National Bank Bldg.
Austin, Texas 78701

Opinion No. M-1054

Re: Rules and regulations of the
Texas State Board of Dental
Examiners.

Dear Mr. Hardin:

Pursuant to the provisions of Article 4551d, Vernon's Civil Statutes, you have submitted to this office "for review as to its legality," pursuant to Senate Bill 246, Acts 62nd Legislature, R.S. 1971 (Article 4551d, V.C.S.) certain rules and regulations adopted by the Texas State Board of Dental Examiners. These rules and regulations are published by the Board in a 1971 pamphlet, and in the interest of brevity they will not be set out in this opinion.

Article 4551d as last amended (S.B. 246, Acts 62nd Leg., R.S. 1971, Ch. 508, p. 1741) reads as follows:

"The Texas State Board of Dental Examiners is hereby authorized and empowered to adopt, promulgate, and enforce such rules and regulations as the Board may deem necessary and advisable to prescribe and maintain standards of professional conduct of those persons under the jurisdiction of the Texas State Board of Dental Examiners and to protect the public health and welfare. Such rules and regulations may define and regulate the acts and areas of practice and govern the relationship between and the activities of licensed dentists, dental hygienists, and dental assistants, and their relationship to other branches of the healing arts and to or with the public, and make such other rules and regulations as the Board may deem advisable to protect and to foster the public health and welfare; however, notice must be given at least ten (10) days in advance of any meeting called by the Board to consider the adoption of any rule, or regulation, or change therein; such notice as herein provided for shall be accomplished

by publication at least once in a newspaper having general circulation in the State of Texas; and before any rule, regulation or change therein is adopted, promulgated or enforced, it shall be submitted to the Attorney General of the State of Texas for review as to its legality."

It is noted that the Board is authorized to adopt such rules and regulations as it may deem necessary and advisable to prescribe and maintain standards of professional conduct in the dental profession. The Board is authorized to define and regulate the acts and areas of practice and govern the relationship between and the activities of licensed dentists, dental hygienists, and dental assistants and their relationship to other branches of the healing arts and to or with the public. The Board is further authorized to make such rules and regulations as it may deem advisable to protect and to foster public health and welfare.

We have carefully considered the rules and regulations adopted by the Texas State Board of Dental Examiners submitted by you in light of the power to adopt rules and regulations set out above in Article 4551d. After reviewing them we are of the opinion that they bear a reasonable relationship pertaining to professional conduct of those persons under the jurisdiction of the State Board of Dental Examiners and the protection of the public health and welfare. Consequently, they constitute a valid exercise of power delegated to the Texas State Board of Dental Examiners pursuant to the provisions of Article 4551d.

S U M M A R Y

The rules and regulations adopted in 1971 by the Texas State Board of Dental Examiners pursuant to Article 4551d, V.C.S., and submitted to this office "for review as to its legality" bear a reasonable relationship pertaining to professional conduct of those persons under the Board's jurisdiction and the protection of the public health and welfare and are therefore valid.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

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Assistant Attorney General

APPROVED:
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